

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

**ANTHONY HERRERA,**

Plaintiff,

**v.**

**LYNCH, et al.,**

Defendants.

Case No. 2:24-cv-01660 DJC CSK P

**ORDER**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this action arising under 42 U.S.C. § 1983. Pending before the Court are motions for extensions of time filed by plaintiff and defendants. (ECF Nos. 46, 47.) For the following reasons, both motions for extensions of time are granted.

On May 5, 2025, this Court issued the Discovery and Scheduling Order setting the discovery deadline for August 29, 2025 and the pretrial motion deadline for November 21, 2025. (ECF No. 44.) This Court ordered that all requests for discovery pursuant to Federal Rules of Civil Procedure 31, 33, 34 or 36 shall be served not later than sixty days prior to August 29, 2025, i.e., June 30, 2025. (Id.) This Court also ordered that responses to written discovery requests were due forty-five days after the requests were served. (Id.)

1 On August 25, 2025, plaintiff filed a motion for a sixty-day extension of time to serve  
2 defendants with responses to defendants' request for admissions and request for production of  
3 documents. (ECF No. 46.) These discovery requests were served on plaintiff on June 26, 2025.  
4 (ECF No. 47 at 3.) Plaintiff claims that his attorney Ronald J. Higgins requires time to become  
5 familiar with this case and prepare response to defendants' discovery requests. (ECF No. 46 at  
6 1.) The court record does not reflect that plaintiff is represented by Mr. Higgins. If Mr. Higgins  
7 intends to represent plaintiff in this action, Mr. Higgins shall notify the court in accordance with  
8 Local Rule 182 of the Local Rules of the United States District Court for the Eastern District of  
9 California. In the pending motion, plaintiff also states that plaintiff requires additional time to  
10 gather the documents defendants request. (Id. at 7.) Plaintiff states that plaintiff is still waiting  
11 on his counselor and the mental health department to provide plaintiff with requested documents.  
12 (Id.) Good cause appearing, plaintiff is granted until October 24, 2025 to serve defendants with  
13 responses to the request for admissions and request for production of documents. No further  
14 requests for extensions of time to serve defendants with responses to these discovery requests will  
15 be granted.

16 In plaintiff's motion for extension of time, plaintiff also requests that plaintiff be allowed to  
17 depose all defendants. (Id. at 7.) However, plaintiff does not address whether he is able to pay  
18 for the costs of conducting depositions. See Starkey v. Hernandez, 2018 WL 2441554, at \*1  
19 (S.D. Cal. May 31, 2018) ("[T]his court has no authority to finance or pay for a party's discovery  
20 expenses even though the party has been granted leave to proceed in forma pauperis.") (quoting  
21 Coates v. Kafczynski, 2006 WL 416244, at \*2 (W.D. Mich. Feb. 22, 2006)). "The taking of  
22 depositions would entail stenographic or court reporter expenses which this court is not  
23 authorized to pay, and plaintiff has made no showing that he is able to pay the expenses for the  
24 taking of depositions." Coates, 2006 WL 416244, \*2. For these reasons, plaintiff's request to  
25 depose defendants is denied.

26 On August 29, 2025, defendants filed a motion for a seven-day extension of the August 29,  
27 2025 discovery deadline to file a motion to compel based on plaintiff's alleged misconduct at his  
28 deposition and to respond to the allegations made in plaintiff's motion filed August 25, 2025

1 regarding defense counsel's alleged misconduct. (ECF No. 47.) Good cause appearing,  
2 defendants' motion for extension of time is granted.

3 Accordingly, **IT IS HEREBY ORDERED** that:

- 4 1. Plaintiff's motion for a sixty-day extension of time (ECF No. 46) is granted;
- 5 2. On or before October 25, 2025, plaintiff shall serve defendants with responses to the  
6 request for admissions and request for production of documents; no further requests for  
7 extensions of time to serve defendants with responses to these discovery requests will  
8 be granted;
- 9 3. Plaintiff's request to depose defendants (ECF No. 46) is denied;
- 10 4. Defendants' motion for a seven-day extension of time (ECF No. 47) is granted; and
- 11 5. Defendants' motion to compel and for extension of time filed September 5, 2025 is  
12 timely filed.

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14 Dated: September 11, 2025

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16 CHI SOO KIM  
17 UNITED STATES MAGISTRATE JUDGE  
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